

***A REGULAR MEETING OF THE FAUQUIER COUNTY BOARD OF SUPERVISORS  
WAS HELD OCTOBER 15, 2001 AT 1:00 P.M. IN WARRENTON, VIRGINIA***

P R E S E N T      Mr. Raymond Graham, Chairman; Mr. Joe Winkelmann, Vice Chairman;  
Mr. Harry Atherton; Ms. Sharon McCamy; Mr. G. Robert Lee, County  
Administrator; Mr. Paul S. McCulla, County Attorney

A B S E N T      Mr. Larry L. Weeks

**AGENDA REVIEW**

The Board of Supervisors reviewed the Agenda.

**FY 2002-2006 CAPITAL IMPROVEMENTS PROGRAM**

A work session was held to review and discuss the proposed FY 2002-2006 Capital Improvements Program.

The meeting was reconvened in Regular Session at 6:30 p.m. in the Warren Green Meeting Room.

**ADOPTION OF THE AGENDA**

Ms. McCamy moved to adopt the Agenda subject to the following changes. Mr. Atherton seconded, and the vote for the motion was 4 to 0 as follows, with Mr. Weeks being absent.

*Ayes:*                      ***Mr. Raymond Graham; Mr. Joe Winkelmann; Mr. Harry Atherton;  
Ms. Sharon McCamy***

*Nays:*                      ***None***

*Absent During Vote:*    ***Mr. Larry L. Weeks***

*Abstention:*            ***None***

Accept substitute resolutions for A Resolution to Award Contracts for the Improvements to County Office Buildings and A Resolution to Support Preliminary Engineering for Possible Changes to Route 601 in Clarke County.

Remove from the Agenda and consider at the November 19, 2001 meeting, A Resolution Authorizing a Public Hearing to Consider the Proposed Sports Fields Lease, Development and Operation Agreement with Fauquier Youth Sports Coordination Council for the Northern Region Sports Complex.

Add to the Consent Agenda, A Resolution Directing the Department of Community Development to Expedite the Completion of the Analysis of its Current Fee Schedule for the Building Office, A Resolution to Appropriate Title 1 Federal Grant Funds in the Amount of \$238,913, and A Resolution to Authorize the County Administrator to Sign an Application to the Health Department from the Vint Hill Economic Development Authority for a Temporary Pump and Haul Permit Indicating the County's Concurrence with the Application.

### **PROCLAMATIONS AND RECOGNITIONS**

Linda McPherson, Chairman of the Disability Services Board, was presented with a proclamation to declare October 2001 as Disability Employment Awareness Month in Fauquier County.

Certificates of Appreciation and paperweights were given to members of the Historic Resources Committee and the Tourism Task Force.

Edwin Gulick was presented with a proclamation in recognition of thirty-eight years of service to soil and water conservation district.

Mr. Graham, on behalf of the Board of Supervisors, recognized the mission of Fauquier's Promise and its projects and rally to be held Saturday, October 27, 2001.

### **CITIZENS TIME**

No citizens present wished to speak.

### **CONSENT AGENDA**

Mr. Winkelmann moved to adopt the Consent Agenda. Ms. McCamy seconded, and the vote for the motion was 4 to 0 as follows, with Mr. Weeks being absent.

<i>Ayes:</i>	<i>Mr. Raymond Graham; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>Mr. Larry L. Weeks</i>
<i>Abstention:</i>	<i>None</i>

Approval of the Minutes of the Board of Supervisors August 20, 2001 Meeting

A Resolution to Authorize a Public Hearing on a Proposed Ordinance Establishing a Deadline for Submittal of Landowner Applications for Equalization of Real Estate Assessment to the Fauquier County Board of Equalization and a Deadline for the Board of Equalization to Complete its Deliberations on All Applications

RESOLUTION

A RESOLUTION TO AUTHORIZE A PUBLIC HEARING ON A  
PROPOSED ORDINANCE ESTABLISHING A DEADLINE FOR  
SUBMITTAL OF LANDOWNER APPLICATIONS FOR  
EQUALIZATION OF REAL ESTATE ASSESSMENT TO  
THE FAUQUIER COUNTY BOARD OF EQUALIZATION AND A  
DEADLINE FOR THE BOARD OF EQUALIZATION TO  
COMPLETE ITS DELIBERATIONS ON ALL APPLICATIONS

WHEREAS, the County of Fauquier is currently undergoing a general reassessment of real property within the County, to be effective January 1, 2002; and

WHEREAS, Section 58.1-3370 of the Code of Virginia requires the establishment of a Board of Equalization to receive applications from landowners seeking equalization of their real estate assessments; and

WHEREAS, Section 58.1-3378 of the Code of Virginia provides that the Board of Supervisors may establish a deadline, by which applications for equalization of real estate assessment must be filed with the Board of Equalization; and

WHEREAS, Section 58.1-3378 of the Code of Virginia also provides that the Board of Supervisors may establish a deadline for the Board of Equalization to finally dispose of all applications for equalization of real estate assessment; and

WHEREAS, the Board of Supervisors deems it in the best interest of the citizens of the County to schedule a public hearing on a proposed ordinance to provide a deadline for submittal of landowner applications for equalization of real estate assessment to the Fauquier County Board of Equalization and a deadline for the Board of Equalization for completing its deliberations on all applications; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15th day of October 2001, That the County Administrator be, and is hereby, directed to schedule a public hearing on a proposed ordinance establishing a deadline for submittal of landowner applications for equalization of real estate assessment to the Fauquier County Board of Equalization and a deadline for the Board of Equalization for completing its deliberations on all applications.

A Resolution to Authorize Revision of Selected Fauquier County General Government Human Resources Policies

RESOLUTION

A RESOLUTION TO REVISE SELECTED FAUQUIER COUNTY  
GENERAL GOVERNMENT HUMAN RESOURCES POLICIES

WHEREAS, the Fauquier County Board of Supervisors recognizes the need and the importance of maintaining up-to-date human resources policies; and

WHEREAS, the Fauquier County General Government Human Resources Personnel Policies Manual is being reviewed for necessary updates and revisions; and

WHEREAS, a review of several specific policies has been conducted; and

WHEREAS, the recommended changes are contained in the following policies dated October 15, 2001:

Section 2-N	Sick Leave Bank
Section 4	Employee Recognition Program
Section 4-A	Employee Service Awards Program
Section 9	Work Schedules and Attendance
Section 10	Probationary Status
Section 14	Outside Employment
Section 16	Training and Career Development
Section 16-A	Tuition Reimbursement/Education Assistance
Section 17	Employee Performance Evaluation
Section 22	Pay Plan and Employee Compensation
Section 29	Smoking/Smoke-free Work Environment
Section 33	Seat Belt Usage;

now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15<sup>th</sup> day of October 2001, That the revisions made to the afore-referenced Human Resources Policies be approved effective October 15, 2001.

*(A copy of the Human Resources Policies is filed in the Board of Supervisors agenda package for October 15, 2001)*

A Resolution Approving an Exception for Travel Expenses in Accordance with Travel Policy and Procedures

RESOLUTION

A RESOLUTION APPROVING AN EXCEPTION FOR TRAVEL EXPENSES  
IN ACCORDANCE WITH TRAVEL POLICY AND PROCEDURES

WHEREAS, the Board of Supervisors has adopted Travel Policy and Procedures that require approval of expenditures in excess of \$1,000; and

WHEREAS, the Director of Environmental Services attended a conference and training sessions that entailed a total cost of \$1,744.98; and

WHEREAS, the conference and training allowed the Director to maintain certification and keep abreast of landfill and recycling programs and trends; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15<sup>th</sup> day of October 2001, That reimbursement in the amount of \$1,744.98 for training and travel for the Director of Environmental Services is hereby approved.

A Resolution to Award Contracts for Improvements to County Office Buildings

RESOLUTION

A RESOLUTION TO AWARD CONTRACTS FOR  
IMPROVEMENTS TO COUNTY OFFICE BUILDINGS

WHEREAS, the Board of Supervisors previously approved the plans to relocate certain County departments to 320 Hospital Hill; and

WHEREAS, the Board has approved the concept of restoring the Warren Green Building; and

WHEREAS, funds have been appropriated for the projects; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15<sup>th</sup> day of October 2001, That a contract in the amount of \$168,000 be awarded to LOYTCO for renovations to 320 Hospital Hill; and, be it

RESOLVED FURTHER, That a contract, not to exceed \$125,000, be awarded to the architectural firm of Davis, Carter, and Scott for design, bidding and construction management for the renovations to the Warren Green Building.

A Resolution to Endorse the Virginia Association of Counties Candidacies of Wayne A. Acors of Caroline County and C. Stephen Wolfe, II of King George County

RESOLUTION

A RESOLUTION TO ENDORSE THE VIRGINIA ASSOCIATION OF COUNTIES  
CANDIDACIES OF WAYNE A. ACORS OF CAROLINE COUNTY  
AND C. STEPHEN WOLFE, II OF KING GEORGE COUNTY

WHEREAS, Wayne A. Acors is a duly elected member of the Caroline County Board of Supervisors; and

WHEREAS, Wayne A. Acors has expressed his willingness to serve as First Vice-President of the Virginia Association of Counties; and

WHEREAS, C. Stephen Wolfe, II is a duly elected member of the King George County Board of Supervisors; and

WHEREAS, C. Stephen Wolfe, II has expressed his willingness to serve as a Virginia Association of Counties Regional Director for Region 7; and

WHEREAS, recognizing the accomplishments and qualifications of Wayne A. Acors and C. Stephen Wolfe, II the Fauquier County Board of Supervisors wishes to express publicly its support for the respective elections of Mr. Acors and Mr. Wolfe; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15<sup>th</sup> day of October 2001, That the Board does hereby endorse the candidacy of Wayne A. Acors of Carolyn County, Virginia, to serve as First Vice-President of the Virginia Association of Counties; and, be it

RESOLVED FURTHER, That the Fauquier County Board of Supervisors does hereby endorse the candidacy of C. Stephen Wolfe, II of King George County, Virginia, to serve as Regional Director for Region 7 of the Virginia Association of Counties.

A Resolution Amending Section 6-4 of the 2001 Bylaws and Rules of Procedure of the Fauquier County Board of Supervisors to Revise the Committee Attendance Requirement

RESOLUTION

A RESOLUTION AMENDING SECTION 6-4 OF THE 2001 BYLAWS AND RULES  
OF PROCEDURE OF THE FAUQUIER COUNTY BOARD OF SUPERVISORS  
TO REVISE THE COMMITTEE ATTENDANCE REQUIREMENT

WHEREAS, Section 6-4, entitled "Committee Attendance", of the 2001 Bylaws and Rules of Procedure of the Fauquier County Board of Supervisors provides that members of any standing or ad hoc committee of the Board, or of any committee to which the Board appoints a member, shall attend every scheduled meeting of the committee to which they have been appointed, with failure to attend 75% of scheduled meetings resulting in forfeiture of committee membership; and

WHEREAS, recognizing that a 75% attendance requirement may be problematic for committee members due to personal, family and business circumstances and situations, the Board of Supervisors wishes to consider amending Section 6-4 in order that member attendance requirements can be based upon a case-by-case basis; and

WHEREAS, in accordance with Section 4-12 of the 2001 Bylaws and Rules of Procedure, the Board of Supervisors reviewed the proposed committee attendance requirement amendment at its September 17, 2001 regular meeting and agreed to consider the amendment for adoption at its October 15, 2001 regular meeting; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15<sup>th</sup> day of October 2001, That Section 6-4 entitled "Committee Attendance" of the 2001 Bylaws and Rules of Procedure of the Fauquier County Board of Supervisors be, and is hereby, amended to read as follows:

Section 6-4                      Committee Attendance

Members of any standing or ad hoc committee of the Board of Supervisors, or of any committee to which the Board of Supervisors appoints a member, shall be expected to attend every scheduled meeting of the committee to which they have been appointed. ~~Any member of a committee who fails to attend a minimum of seventy five percent (75%) of the scheduled meetings of the committee in any year shall be held to have forfeited his or her membership on the committee.~~ It shall be the duty of the chairman of any board of supervisor's appointed committee to annually report to the board of supervisors ~~determine~~ the level of attendance of committee members. ~~Upon receipt of written notice from the chairman of any committee that a member has failed to attend at least seventy five percent (75%) of the scheduled meetings of the committee, the clerk of the board of supervisors shall notify, in writing, the committee member of his removal from the committee based upon his or her failure to attend the required percentage of scheduled meetings and shall thank the member for his or her service to the community. In addition, the clerk to the board of supervisors shall place upon the agenda of the board of supervisors, a request to replace the member who has been removed. Replacement shall be made in the same manner as the original appointment and shall be for the remainder of the term for the committee member who has been removed.~~ Upon the appointment of any committee member, the clerk of the board of supervisors shall forward to the member a copy of this section.

A Resolution to Authorize a Public Hearing to Consider a Proposal to Change the Spelling of Rolls Hollow, a Valley in Fauquier County, to Rowles Hollow

RESOLUTION

A RESOLUTION TO AUTHORIZE A PUBLIC HEARING  
FOR A PROPOSAL TO CHANGE THE SPELLING OF  
ROLLS HOLLOW, A VALLEY IN FAUQUIER COUNTY,  
TO ROWLES HOLLOW

WHEREAS, the United States Board on Geographic Names is responsible by law for standardizing geographic names for use by the Federal Government; and

WHEREAS, the members of the United States Board on Geographic Names must approve new names and name changes before they can be applied to Federal maps and products; and

WHEREAS, local acceptance of any proposed name change is required by the United States Board on Geographic Names; and

WHEREAS, documentation was provided to the United States Board on Geographic Names that Rolls Hollow, a valley in Fauquier County, Virginia, was named for William Rowles, who lived in the vicinity in the late 18<sup>th</sup> and early 19<sup>th</sup> centuries; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15th day of October 2001, That the County Administrator is hereby directed to advertise a public hearing for November 19, 2001 to receive citizen input on the proposal to change the spelling of Rolls Hollow to Rowles Hollow.

A Resolution to Authorize Donation of a Surplus School Bus to the Rappahannock-Rapidan Community Services Board for Use by the Shadow Lawn Senior Center

RESOLUTION

A RESOLUTION TO AUTHORIZE THE DONATION OF A  
SURPLUS SCHOOL BUS TO THE RAPPAHANNOCK-RAPIDAN COMMUNITY  
SERVICES BOARD FOR USE BY THE SHADOW LAWN SENIOR CENTER

WHEREAS, the Rappahannock-Rapidan Community Services Board - Shadow Lawn Senior Center has expressed the need for a vehicle to transport people within their care; and

WHEREAS, Fleet Maintenance has identified a surplus 1986 International Thomas small handicap-equipped school bus with a lift, VIN # 1HVLNHGM1GHA67172, that would meet the needs of the Shadow Lawn Senior Center; and

WHEREAS, the donation or transfer of a County-owned vehicle to an outside entity requires the approval of the Board of Supervisors; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15th day of October 2001, That the Fauquier County Board of Supervisors does hereby authorize the County Administrator to take all actions necessary to donate the aforementioned surplus vehicle to the Rappahannock-Rapidan Community Services Board for use by the Shadow Lawn Senior Center.



A Resolution to Authorize FY 2001 and FY 2002 Budget Transfers and Supplemental Appropriations in the Amount of \$345,670

RESOLUTION

A RESOLUTION TO AUTHORIZE FY 2001 AND FY 2002 BUDGET TRANSFERS  
AND SUPPLEMENTAL APPROPRIATIONS IN THE AMOUNT OF \$345,670

WHEREAS, the Board of Supervisors is charged by the Code of Virginia with the preparation of an annual budget for Fauquier County and during the course of the fiscal year certain events occur which necessitate changing the budget plan by increasing or decreasing the total budget; and

WHEREAS, for FY 2001, the Sheriff's Office requests appropriation of \$2,866 in Federal funds from the Bulletproof Vest Partnership Grant Program; and

WHEREAS, for FY 2002, the School Division requests State funding appropriation of \$20,202 for Standards of Learning Technology, \$56,346 for an Algebra Readiness Initiative and \$16,405 for an Individual Student Alternative Education Plan; and from Local donations \$3,300 for Summer Enrichment Classes and \$350 for Timeline software; and \$48,631 for Class-Size Reduction from Federal funds; and

WHEREAS, for FY 2002, Juvenile Court Services requests reappropriation of \$9,971 of FY 2001 State funds for Virginia Juvenile Community Crime Control Act expenditures; and

WHEREAS, for FY 2002, the Registrar requests appropriation of \$7,262 from the Contingency Reserve for additional expenses related to redistricting; and

WHEREAS, for FY 2002, the Commonwealth's Attorney's Office requests reappropriation of \$2,202 from FY 2001 unexpended State Forfeiture funds; and

WHEREAS, for FY 2002, the Budget Office requests appropriation of \$16,727 from the FY 2001 Fund Balance – Carryover for support of expenditures from a revised fourth quarter Health Department billing; and

WHEREAS, for FY 2002, the Sheriff's Office requests appropriation of \$280 in State Forfeiture Proceeds from seized assets to be used for drug enforcement efforts; and

WHEREAS, for FY 2002, the Clerk of the Circuit Court requests reappropriation of \$4,303 from FY 2001 Fund Balance – Carryover for office furniture; and

WHEREAS, for FY 2002, Community Development requests appropriation of \$156,825 in Local fees for three (3) staffing requirements – Building Plan Reviewer, Senior Planner and Planner; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15<sup>th</sup> day of October 2001, That the sum of \$345,670 in additional budget related actions be carried over, transferred or appropriated as follows:

Source	FROM Code	Amount	Department	TO Code	Amount
FY 2001 Federal Funds	3-100-331000-0171	\$2,866	Sheriff's Office	4-100-031200-8201	\$2,866
FY 2002 State Funds	3-205-242000-0034	\$20,202	School Division	4-205-061325-1139- 300-001-000	\$17,095
				4-205-061325-2100- 300-001-000	\$1,309
				4-205-061325-2210- 300-001-000	\$1,580
				4-205-061325-2212- 300-001-000	\$24
				4-205-061325-2400- 300-001-000	\$137
				4-205-061325-2720- 300-001-000	\$57
FY 2002 Local Donation	3-205-189903-0001	\$350	School Division	4-205-061310-6026- 200-001-000	\$350
FY 2002 Local Donation	3-205-189903-0001	\$3,300	School Division	4-205-061100-1621- 200-004-000	\$3,300
FY 2002 State Funds	3-205-242000-0060	\$56,346	School Division	4-205-061100-1121- 300-005-495	\$28,839
				4-205-061100-1126- 300-005-495	\$14,400
				4-205-061100-2100- 300-005-495	\$2,206
				4-205-061100-2210- 300-005-495	\$2,665
				4-205-061100-2212- 300-005-495	\$40
				4-205-061100-2400- 300-005-495	\$231
				4-205-061100-2720- 300-005-495	\$95
				4-205-061100-6013- 300-005-495	\$3,070
				4-205-061100-5510- 300-005-495	\$4,800
FY 2002 State Funds	3-205-242000-0073	\$16,405	School Division	4-205-061100-6013- 300-009-000	\$16,405
FY 2002 Federal Funds	3-205-332000-0039	\$48,631	School Division	4-205-061100-1121- 200-005-445	\$39,538
				4-205-061100-2100- 200-005-445	\$1,958
				4-205-061100-2210- 200-005-445	\$2,365
				4-205-061100-2212- 200-005-445	\$36
				4-205-061100-2310- 200-005-445	\$3,672
				4-205-061100-2400- 200-005-445	\$978
				4-205-061100-2720- 200-005-445	\$84
FY 2002 Fund Balance –	3-100-419000-0010	\$9,971	Juvenile Court Services	4-100-033600-3161	\$9,971

Carryover					
FY 2002 Contingency Reserve	4-100-091400-9618	\$7,262	Registrar	4-100-013200-6001 4-100-013200-5210	\$4,049 \$3,213
FY 2002 Fund Balance – Carryover	3-100-419000-0010	\$2,202	Commonwealth’s Attorney Office	4-100-022110-5879	\$2,202
FY 2002 Fund Balance – Carryover	3-100-419000-0010	\$16,727	Health Department	4-100-051100-5610	\$16,727
FY 2002 State Funds	3-100-244100-0150	\$280	Sheriff’s Office	4-100-031240-8201	\$280
FY 2002 Fund Balance – Carryover	3-100-419000-0010	\$4,303	Clerk of Circuit Court	4-100-021600-8202	\$4,303
FY 2002 Local Funds	3-100-133000-0036	\$35,000	Community	4-100-081200-1101	\$35,000
	3-100-133000-0043	\$40,000	Development	4-100-081200-1101	\$40,000
	3-100-133000-0037	\$36,000		4-100-081200-1101	\$36,000
	3-100-133000-0036	\$2,678		4-100-081200-2100	\$2,678
	3-100-133000-0008	\$5,814		4-100-081200-2100	\$5,814
	3-100-133000-0036	\$3,213		4-100-081200-2210	\$3,213
	3-100-133000-0008	\$7,012		4-100-081200-2210	\$7,012
	3-100-133000-0036	\$3,240		4-100-081200-2310	\$3,240
	3-100-133000-0008	\$6,480		4-100-081200-2310	\$6,480
	3-100-133000-0036	\$280		4-100-081200-2720	\$280
	3-100-133000-0008	\$608		4-100-081200-2720	\$608
	3-100-133000-0007	\$9,000		4-100-081200-8207	\$9,000
	3-100-133000-0007	\$7,500		4-100-081200-8202	\$7,500
TOTAL		\$345,670			\$345,670

A Resolution to Authorize Application for Recreational Access Grant Funding for the Northern and Central Sports Complex

RESOLUTION

A RESOLUTION TO APPLY FOR RECREATIONAL ACCESS  
GRANT FUNDING FOR THE CENTRAL SPORTS COMPLEX

WHEREAS, the Central Fauquier Sports Complex is owned and is to be jointly developed by the County of Fauquier and the Fauquier Youth Sports Coordination Council as a recreational facility serving the residents of Fauquier County and adjoining localities; and

WHEREAS, the facility is in need of adequate vehicular and bicycle access; and

WHEREAS, the procedure governing the allocation of recreational access funds as set forth in Section 33.1-223 of the Code of Virginia requires joint action by the Director of the Department of Conservation and Recreation and the Commonwealth Transportation Board; and

WHEREAS, a statement of policy agreed upon between the said Director and Board approves the use of such funds for the construction of access facilities to publicly-owned recreational areas; and

WHEREAS, the Board of Supervisors has duly adopted a zoning ordinance pursuant to Article 8 (Section 15.1-486 et seq.), Chapter 11, Title 15.1 of the Code of Virginia; and

WHEREAS, it appears to the Board of Supervisors that all requirements of the law have been met to permit the Director of the Department of Conservation and Recreation to designate the Central Fauquier Sports Complex as a public recreational facility and further permit the Commonwealth Transportation Board to provide funds for access to this public recreation area in accordance with Section 33.1-223 of the Code of Virginia; and

WHEREAS, the right of way for the proposed access road and bikeway will be provided by the County of Fauquier at no cost to the Recreational Access Fund; and

WHEREAS, the Board of Supervisors acknowledges that, pursuant to the provisions of Section 33.1-223 of the Code of Virginia, this road and bikeway shall be designated a "Virginia Byway" and recommends the Commonwealth Transportation Board, in cooperation with the Director of the Department of Conservation and Recreation, take the appropriate action to implement this designation; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15<sup>th</sup> day of October 2001, That the Board of Supervisors agrees, in keeping with the intent of Section 33.1-63 of the Code of Virginia, to use its good offices to reasonably protect the aesthetic or cultural value of this road and bikeway; and, be it

RESOLVED FURTHER, That the application to the Director of the Department of Conservation and Recreation to designate the Central Fauquier Sports Complex as a public recreational area be, and is hereby, approved; and, be it

RESOLVED FURTHER, That said application be recommended to the Commonwealth Transportation Board, so that recreational access funds can be allocated for access road and bikeway to serve said park; and, be it

RESOLVED FINALLY, That the Commonwealth Transportation Board is hereby requested to allocate the necessary recreational access funds to provide a suitable access road and bikeway as hereinbefore described.

A Resolution to Accept a TEA-21 Grant from the Virginia Department of Transportation for an Extension from the Terminus of the Warrenton Branch Greenway to Lord Fairfax Community College

RESOLUTION

A RESOLUTION ACCEPTING THE AWARD OF GRANT  
FUNDING FROM THE VIRGINIA DEPARTMENT OF  
TRANSPORTATION'S TRANSPORTATION ENHANCEMENT PROGRAM

WHEREAS, the existing Warrenton Branch Greenway has been an unqualified success;  
and

WHEREAS, the community and the Fauquier County Parks and Recreation Department desire to extend the Greenway from its present terminus to the Lord Fairfax Community College Campus in Fauquier County; and

WHEREAS, Lord Fairfax Community College has expressed its support and willingness to cooperate in this venture; and

WHEREAS, the Fauquier County Parks and Recreation Department capitalized upon an opportunity to apply for funding from the Virginia Department of Transportation's Transportation Enhancement Program, also known as TEA-21; and

WHEREAS, the Virginia Department of Transportation (VDOT) has now awarded the County \$102,000 toward the acquisition of land to effect this extension; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15<sup>th</sup> day of October 2001, That the County of Fauquier accepts the Commonwealth Transportation Board's Transportation Enhancement Program grant award of \$102,000 to acquire land to extend the Warrenton Branch Greenway to Lord Fairfax Community College; and, be it

RESOLVED FURTHER, That the County of Fauquier hereby agrees to serve as the facilitator for the land donation by Lord Fairfax Community College or to donate approximately three acres of property, whichever is best suited for the trail, for the monies (\$5,000) being contributed by Fauquier Trails Coalition, and for the in-kind services contributions as noted in the application that all equal or exceed the twenty percent (20%) local match required for the application; and, be it

RESOLVED FURTHER, That the County of Fauquier shall not expend, or agree to expend grant funds without the approval of the Board of Supervisors until all real property associated with this project to be acquired by donation, as part of the local match, has been acquired; and, be it

RESOLVED FURTHER, That the County of Fauquier shall not acquire, or agree to acquire, or agree to accept any donation of, or agree to expend any grant funds to acquire, any real property associated with this project, until it has received an environmental audit of the real property to be acquired by purchase or donation which is acceptable to the Board of Supervisors; and, be it

RESOLVED FURTHER, That the County of Fauquier shall reimburse the Virginia Department of Transportation for its proportionate share of the funds expended by VDOT associated with this project provided, however, that the County's obligation to reimburse VDOT for any funds expended by VDOT shall be subject to appropriation and shall extend only to those funds for which the Board of Supervisors has approved expenditure; and, be it

RESOLVED FURTHER, That the Virginia Department of Transportation Project Agreement be, and is hereby, accepted and that G. Robert Lee, County Administrator be, and is hereby, authorized to execute the document; and, be it

RESOLVED FINALLY, That the Supplemental Appropriation of TEA-21 Grant revenue in the amount of \$102,500 be, and is hereby, approved.

A Resolution Approving a Contract with CBM for Renovations to the Warrenton Community Center

RESOLUTION

A RESOLUTION APPROVING THE AWARD OF A CONTRACT  
TO CBM FOR RENOVATIONS TO THE WARRENTON COMMUNITY CENTER

WHEREAS, the County has decided to renovate Central Elementary School into the Warrenton Community Center; and

WHEREAS, funding in the amount of \$283,329 for these repairs was provided in the FY 2002 Capital Improvements Program; and

WHEREAS, the low bid of \$181,063 was received from CBM; and

WHEREAS, the County's Project Manager and the Parks and Recreation Board have recommended the contract be awarded to CBM; and

WHEREAS, County policy requires that all contracts in excess of \$100,000 be approved by the Board of Supervisors; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15<sup>th</sup> day of October 2001, That the contract with CBM for \$181,063 for renovation of the Warrenton Community Center be, and is hereby, approved.

A Resolution to Authorize Establishment of Three Positions Within the Department of Community Development

RESOLUTION

A RESOLUTION TO AUTHORIZE ESTABLISHMENT OF THREE  
POSITIONS WITHIN THE DEPARTMENT OF COMMUNITY DEVELOPMENT

WHEREAS, the workloads and demands of the Department of Community Development have been assessed and have increased significantly since 1997; and

WHEREAS, based upon this assessment, the Director of Community Development has determined that three positions are required to achieve operational effectiveness; and

WHEREAS, the required positions are a Building Plans Reviewer, grade 33; a Senior Planner, grade 35; and a Planner, grade 33; and

WHEREAS, the Building Plans Reviewer, Senior Planner and Planner positions currently exist on the adopted Fauquier County Position Classification and Pay Plan; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15th day of October 2001, That the positions of Building Plans Reviewer, grade 33; Senior Planner, grade 35; and Planner, grade 33, be established within the Department of Community Development, effective October 15, 2001.

A Resolution to Request that the Virginia Department of Transportation Install “Watch for Children” Signage on Aquia Road

RESOLUTION

A RESOLUTION TO REQUEST THAT THE VIRGINIA  
DEPARTMENT OF TRANSPORTATION INSTALL “WATCH  
FOR CHILDREN” SIGNAGE ON AQUIA ROAD (ROUTE 610)

WHEREAS, the Fauquier County Transportation Committee received a request from Sharon Rogers, a resident on Aquia Road (Route 610), to erect “Watch for Children” signage on Aquia Road near the Stafford County line; and

WHEREAS, the Virginia Department of Transportation (VDOT) requires that the Board of Supervisors forward a resolution approving each request for “Watch for Children” signage, so VDOT may accommodate these requests; and

WHEREAS, at its meeting on September 26, 2001, the Fauquier County Transportation Committee approved a motion recommending approval of the requested “Watch for Children” signage; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15<sup>th</sup> day of October 2001, That the Board of Supervisors does hereby authorize the County’s request for installation and maintenance by VDOT of “Watch for Children” signs on Aquia Road.

A Resolution Opposing Increased Truck Weight Limits on Virginia Roads

RESOLUTION

A RESOLUTION OPPOSING INCREASED TRUCK  
WEIGHT LIMITS ON VIRGINIA ROADS

WHEREAS, the Fauquier County Board of Supervisors acknowledges the importance of transportation issues to our community and our citizens, both directly and indirectly involved in agriculture, shipping, manufacturing, and retail concerns; and

WHEREAS, the Fauquier County Board of Supervisors recognizes the many safety concerns relative to heavier tractor trailers; and

WHEREAS, the Fauquier County Board of Supervisors recognizes that there are many road and bridge maintenance cost concerns relative to significant vehicle weight increases; and

WHEREAS, at its meeting on September 26, 2001, the Fauquier County Transportation Committee approved a motion recommending that the Fauquier County Board of Supervisors adopt a resolution opposing increased truck weight limits on Virginia roads; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15<sup>th</sup> day of October 2001, That the Board is in opposition to any lifting of the current weight restrictions on trucking at this time.

A Resolution to Support Preliminary Engineering for Possible Changes to Route 601 in Clarke County

RESOLUTION

A RESOLUTION TO SUPPORT PRELIMINARY ENGINEERING  
FOR POSSIBLE CHANGES TO ROUTE 601 IN CLARKE COUNTY

WHEREAS, the Virginia Department of Transportation (VDOT) has applied to the Federal Highway Administration's Public Lands Discretionary Program for funds to initiate preliminary engineering for possible changes to Route 601; and

WHEREAS, the primary purpose of the project is to improve safety and security for the employees of the Mount Weather-FEMA facility; and

WHEREAS, any design changes must retain the rural, rolling and curving character of Route 601, must be designed to be no more than the current forty (40) miles per hour speed limit, and to consider the views of the property owners and users of the road; and

WHEREAS, given the concern about retaining the rural character of the road, any design changes should utilize the road standards for mountainous terrain rather than the standards for rolling terrain used by VDOT; and

WHEREAS, at its meeting on September 26, 2001, the Fauquier County Transportation Committee approved a motion recommending that the Fauquier County Board of Supervisors adopt a resolution supporting the preliminary engineering for possible changes to Route 601 in Clarke County; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15<sup>th</sup> day of October 2001, That the Board is in support of Federal funding for preliminary engineering as outlined above for changes to Route 601, between Route 7 and Route 50, with the understanding that the Fauquier County Board of Supervisors will be asked to review and endorse any such changes, once designed, and that additional sources of funding for construction will be sought from the Public Lands Highway Discretionary Program.



A Resolution Directing the Department of Community Development to Expedite the Completion of the Analysis of its Current Fee Schedule for the Building Office

RESOLUTION

A RESOLUTION DIRECTING THE DEPARTMENT OF COMMUNITY DEVELOPMENT TO EXPEDITE THE COMPLETION OF THE ANALYSIS OF ITS CURRENT FEE SCHEDULE FOR THE BUILDING OFFICE

WHEREAS, the Department of Community Development fees have not been revised and updated since 1991; and

WHEREAS, those fees do not reflect adjustments to inflation, processing and other associated costs; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15th day of October 2001, That the Department of Community Development complete a requisite building fee study and schedule a public hearing for proposed amendments to the Department of Community Development fee schedule.

A Resolution to Appropriate Title 1 Federal Grant Funds in the Amount of \$138,913

RESOLUTION

A RESOLUTION TO APPROPRIATE TITLE 1 FEDERAL GRANT FUNDS IN THE AMOUNT OF \$138,913

WHEREAS, the Board of Supervisors is charged by the Code of Virginia with the preparation of an annual budget for Fauquier County and during the course of the fiscal year certain events occur which necessitate changing the budget plan by increasing or decreasing the total budget; and

WHEREAS, the School Division originally estimated Title 1 Federal funding for At-Risk children in the FY 2002 Adopted Budget at \$461,389; and

WHEREAS, the actual notification of Federal Title funding for FY 2002 is \$600,302 or \$138,913 more than currently appropriated; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15<sup>th</sup> day of October 2001, That the sum of \$138,913 in additional Federal Title 1 funding is appropriated to the School Division as follows:

<u>Source</u>	<u>FROM Code</u>	<u>Amount</u>	<u>Department</u>	<u>TO Code</u>	<u>Amount</u>
Federal Funds	3-205-332000-0002	\$138,913	School Division	4-205-61100-1121- 200-005-410	\$117,562
				4-205-61100-2100- 200-005-410	\$8,994
				4-205-61100-2210- 200-005-410	\$10,863
				4-205-61100-2212- 200-005-410	\$165
				4-205-61100-2400- 200-005-410	\$940
				4-205-61100-2720- 200-005-410	\$389
<b>TOTAL</b>		<b>\$138,913</b>			<b>\$138,913</b>

A Resolution to Authorize the County Administrator to Sign an Application to the Health Department from the Vint Hill Economic Development Authority for a Temporary Pump and Haul Permit Indicating the County's Concurrence with the Application

RESOLUTION

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR  
TO SIGN AN APPLICATION TO THE HEALTH DEPARTMENT  
FROM THE VINT HILL ECONOMIC DEVELOPMENT AUTHORITY  
FOR A TEMPORARY PUMP AND HAUL PERMIT INDICATING  
THE COUNTY'S CONCURRENCE WITH THE APPLICATION

WHEREAS, the Vint Hill Economic Development Authority (VHEDA) is a body politic of the State of Virginia established at the request of the Fauquier County Board of Supervisors to redevelop the closed military base formally known as the Vint Hill Farms Station; and

WHEREAS, the Board of Supervisors has approved the rezoning for Vint Hill and the subdivision plans for the first phase of its redevelopment; and

WHEREAS, the opening of the first phase of redevelopment is dependent upon the availability of water and sewer, but new sewage collection facilities will not be available to phase one until late Spring of 2002; and

WHEREAS, the VHEDA has made every effort to have sewer available to phase one in a timely manner, including seeking early approvals from the Fauquier County Water and Sanitation Authority (FCWSA) and the Virginia Department of Health for the sewer force main and pump station design and issuing Invitation For Bids (IFB) long before construction was scheduled to begin; and

WHEREAS, events have occurred beyond the control of the VHEDA that have delayed construction of the sewer force main and pump station; and

WHEREAS, the VHEDA has coordinated with the Virginia Department of Health and the FCWSA to design facilities for a temporary pump and haul system, which is adequate to meet the needs of new buildings until the new force main and pump station are completed; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15<sup>th</sup> day of October 2001, That the Fauquier County Board of Supervisors does concur with the VHEDA's application for a permit to use a temporary pump and haul system at Vint Hill; and, be it

RESOLVED FURTHER, That the County Administrator is hereby authorized to sign the application for the Fauquier County Board of Supervisors indicating the Board's concurrence.

**SPECIAL EXCEPTION AND COMPREHENSIVE PLAN AMENDMENT – MARSH RUN GENERATION CORPORATION, OWNER/APPLICANT**

A public hearing was held at the August 20, 2001 meeting to consider a request for special exception approval to allow for the construction and operation of an electric peaking facility and an amendment to the Comprehensive Plan to add text and revise the Remington Service District Plan to incorporate an electric utility feature and extension of a line from the Remington wastewater treatment plant. Ms. McCamy moved to adopt the following resolution. Mr. Graham seconded, and the vote for the motion was 3 to 1 as follows, with Mr. Weeks being absent.

<i>Ayes:</i>	<i>Mr. Raymond Graham; Mr. Harry Atherton; Ms. Sharon McCamy</i>
<i>Nays:</i>	<i>Mr. Joe Winkelmann</i>
<i>Absent During Vote:</i>	<i>Mr. Larry L. Weeks</i>
<i>Abstention:</i>	<i>None</i>

RESOLUTION

A RESOLUTION TO APPROVE THE COOPERATIVE ENERGY MARSH RUN STATION SPECIAL EXCEPTION CASE # SE 00-L-17 AND COMPREHENSIVE PLAN AMENDMENT # CPA 00-L-03, PIN 6897-26-4438-000

WHEREAS, Marsh Run Generation, LLC, owner and applicant, has filed an application for special exception under Section 3-320.5 of the Fauquier County Zoning Ordinance for the construction and operation of an electric generation facility; and

WHEREAS, the applicant has also filed a companion amendment to Chapter 6, Service Districts, of the Comprehensive Plan to add text and revise the Remington Service District Plan to incorporate an electric utility feature and extension of a line from the Remington wastewater treatment plant; and

WHEREAS, the Planning Commission held a public hearing for these applications on March 29, 2001, and on May 31, 2001, and made recommendation to the Board of Supervisors that both applications be approved; and

WHEREAS, the Board of Supervisors has considered the written and orally presented information from the applicants and conducted a public hearing on these companion applications; and

WHEREAS, the Board of Supervisors has determined that the applications satisfy the general standards of Article 5-006 of the Zoning Ordinance and that the applications are in substantial conformance with the Comprehensive Plan; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15th day of October 2001, That the Marsh Run Generation, LLC, Comprehensive Plan Amendment CPA 00-L-03 for the Marsh Run Peaking Facility be approved, as amended in the 29 May 2001 letter from Mr. Richard W. Gregory, Esq., for Parcel Identification Number 6897-26-4438-000; and, be it

RESOLVED FINALLY, That the Marsh Run Generation, LLC, Special Exception (SE #00-L-17) for an electric generation plant be approved, subject to the following conditions:

General Provisions

1. The Special Exception shall expire and be null and void unless a Certificate of Occupancy for the facility is issued within five (5) years of the date of approval of the Special Exception, or with a Board of Supervisors extension is approved.
2. The total area of the site developed for the peaking facility shall be limited to 60+ acres as generally depicted on the Special Exception Plat. Unless the Board of Supervisors approves an amendment to this Special Exception, the remaining parcel acreage shall be deed restricted from further development with limited exceptions through a recorded easement. Those exceptions are limited to the following uses:
  - a. Installation of utility poles, transformer, lines and facilities related to the transmission and distribution of electricity;
  - b. Natural gas lines, reduction station equipment and facilities related to the distribution of natural gas;
  - c. Installation of well for potable use, septic tank, drainfield and required reserve, and effluent lines for the facility;
  - d. Agricultural, forestry, wildlife habitat areas and observation points or open space uses, including low impact public recreational facilities for environmental observation, study and activities (excluding athletic fields, which are to be located at other designated County park areas); and
  - e. Use resulting from state or federal air quality regulations that requires operational and equipment improvements outside the existing 60+-acre facility footprint, which is contained in a special exception amendment approved by the Board of Supervisors.

The referenced easement will include the conditions mentioned above, and shall be reviewed and approved by the County Attorney.

3. The facility shall be permitted as a peaking generation facility in accordance with Virginia Department of Environmental Quality (DEQ) regulations, but in no case shall annual emissions for nitrogen oxide (NOx) exceed 249 tons without special exception amendment. The Applicant will not seek from the DEQ any future permit modifications that will allow the facility to emit more than 249 tons of NOx emissions.

Any increase in the operating conditions or facility expansions which (i) are beyond what is depicted on the Special Exception plat and contained within the application materials, and (ii) require a modification of the DEQ permitted annual emissions for the facility, as depicted on the Special Exception plat, shall require an amendment to the Special Exception. However, changes in regulations promulgated by DEQ or the Environmental Protection Agency requiring compliance with stricter environmental standards, even if they require modifications to the facility, shall be permitted without amendment to this Special Exception.

4. The Applicant shall obtain and, as necessary, maintain all applicable federal, state and local permits. In addition, the Department of Community Development, on behalf of the Fauquier County Board of Supervisors, reserves the right to inspect the site at any reasonable time without prior notice to insure that the operation of the facility meets the conditions of this Special Exception.
5. This Special Exception approval is issued solely to the Applicant, Marsh Run Generation, LLC, and shall be nontransferable within the initial four (4) year construction period. For purposes of this condition, the reference to " Marsh Run Generation, LLC", shall include (a) any parent, affiliate or subsidiary entity of the Applicant, (b) any entity owned, partially owned or controlled by the Applicant, (c) any purchaser/transferee from the Applicant in the event the Applicant conveys the facility as a result of deregulation of the electric industry, (d) any purchaser/transferee of the property as a result of foreclosure, deed in lieu of foreclosure or similar transfer, or (e) any transferee that is the U.S. Government or any agency thereof, the National Rural Utilities Cooperative Finance Corporation, a lender or any other financing institution or investor (and their collateral assignees), in each instance as security for loans and advances or in connection with a sale (lease) – leaseback, synthetic lease or other similar transaction.
6. If the facility is permanently decommissioned, and operations have ceased for a two-year period, then the Applicant is required to remove all facility equipment and infrastructure represented in the approved site plan. In addition, all mandatory federal and state environmental clean up requirements must be met, and the site returned to its natural state within three years after the referenced two-year termination of operations.
7. The Special Exception is granted for and runs with the land indicated in this application and is not transferable, except as defined in Condition 5 above. Conditions of the permit shall be applicable to all successors and assigns of the Applicant. In the event that the Applicant challenges any condition of this Special Exception, the Board of Supervisors evidences its intent that these conditions are not severable.

#### Emergency Services & Fuel Requirements

8. Prior to site plan approval, the Applicant must submit an Emergency Response Plan for Fauquier County Office of Emergency Services' approval. That plan includes an updated emergency contact list and protocol, and must be approved prior to the issuance of any building permit for the facility.
9. If any gas line and associated pump station is needed to serve the facility and requires a special exception, such application approval must be completed prior to ~~site plan approval~~ issuance of the Certificate of Occupancy for the peaking facility.

10. Prior to site plan approval, for the facility, the fuel supply and tank design, which includes performance standards, secondary containment, inventory control, formal inspections, leak detection, and safe fill and shutdown procedures, must be approved by the County Engineer.

#### Environmental Conditions

11. The facility shall utilize Best Available Control Technology (BACT) as determined by DEQ for this facility to minimize impacts on air quality. Prior to the issuance of the Certificate of Occupancy in connection with the operation of the facility, the Applicant will acquire or purchase NOx emissions allowances during the ozone season as defined by the DEQ at a one (1) for one (1) ratio from an area that will benefit Fauquier County's air quality. That emissions allowance shall be equivalent to the actual NOx emissions at the referenced one (1) to one (1) ratio. For each year of operation the applicant shall estimate the actual emission and shall purchase or acquire at the estimated level and shall upon the end of the year purchase or acquire such additional emission allowances to meet the one-to-one ratio based upon actual emissions.

In addition, the Applicant shall file an annual report with the Department of Community Development which presents how the actual emissions and allowances were calculated pursuant to DEQ requirements and acceptable to the County.

12. The combustion turbine stacks shall be limited to ninety (90) feet in height from ground level.
13. The issuance of all required Health Department permits for wastewater disposal/drainfield and site well are required prior to the submission of the site plan for County review and approval action.
14. The facility shall use groundwater withdrawn from the site property only for potable water uses.
15. Prior to submitting the site plan, the Applicant shall complete an executed agreement with the Fauquier County Water and Sanitation Authority (WSA) regarding the construction of lines conveying treated effluent to the peaking facility and returning product water to the Remington Wastewater Treatment Facility, identifying the quantity of effluent to be used and other associated provisions.
16. Prior to site plan approval, the Applicant must provide the County with its final Phase I Wetland Report, including any official wetland determinations made by the U.S. Army Corps of Engineers and recommended actions which the Applicant needs to accomplish resulting from site construction. Prior to issuance of the Certificate of Occupancy for the Facility, the Applicant shall demonstrate to the Department of Community Development that all federal wetland requirements, if any, have been completed to the satisfaction of the U.S. Army Corps of Engineers.
17. The Applicant will submit a summary of the Phase I Cultural Resources Survey and subsequent information regarding historic and archeological resource findings and location on site prior to the issuance of the Certificate of Occupancy. This report, including the Phase I Survey, will be presented to the Department of Community Development for distribution to interested or affected County Committees, along with a commitment to field locate and mark those areas to the extent allowed by the Virginia State Historic Preservation Officer.

18. The Applicant shall work with Fauquier County environmental organizations and public schools in development and establishment of planned wildlife habitats, wildlife observation areas, including boardwalks and other associated viewing areas within the established woodland, field and marsh environment, consistent with state and federal regulations.
19. The Applicant will, to the extent practicable, utilize zero-emission electric maintenance vehicles in connection with the operation of the facility. The Applicant will install an appropriate recharging station at the facility, as necessary, which will be available to the County at no cost, except for the cost of electricity used.

#### Landscape and Buffer Requirements

20. A landscape/buffering plan shall be prepared and submitted with the site plan for the facility, pursuant to Zoning Ordinance requirements for approval by the Department of Community Development, and also shall include:
  - a. Route 782 Tree Plantings. Provide tree plantings along Route 782 as described in 24.c.
  - b. Perimeter Buffering. The Applicant shall identify tree stands which are to be preserved and the method of protection before and after construction. The Applicant shall plant a forested buffer serving as a visual screen along the eastern, southern (on the northern side of the 235 foot VEPCO transmission line easement) and the western property perimeter where the facility is located.

Where the Applicant's site abuts the property identified as PIN 6897-04-8372-000, the Applicant will be required to plant a tree screen on the south side of and running parallel to the referenced transmission easement based on the required landscape and buffering plan submitted with the site plan. The tree screen will be a minimum of one hundred (100) feet in width. That visual screening will be a minimum one hundred (100) feet in width between the pond and the VEPCO easement on the west property line. This portion of the landscape plan will be designed with input from both the County and the adjoining landowner. The length of the linear buffer along the referenced easement can be modified at site plan if the Applicant can demonstrate that a landscape/buffer of equal or greater effect can be designed using existing tree stands. That could result, for example, with the preservation and additional plantings within existing tree stands adjacent to the facility's footprint to its immediate southeast and southwest. The types of tree plantings and the spacing requirements are summarized below.

The visual screening along all other defined perimeters, shall be at least one-hundred (100) feet in width, with mixed planting and massing of evergreen and deciduous tree canopy, as well as a combination of evergreen and deciduous shrubs. Existing tree stands along the perimeter boundary may qualify as adequate buffer, as long as the area is marked as a tree preservation area as part of the landscape and buffering plan filed as part of the site plan. There shall be a minimum of five (5) evergreen and two (2) canopy and two (2) understory deciduous trees per one hundred (100) linear feet of perimeter boundary, with a minimum tree spacing of thirty (30) feet with shrubs planted between the trees. The objective is to screen the facility and towers as much as possible along the project perimeter with an evergreen-forested area.

In the described plans, native species will be the principal planting categories used for the benefit of existing and future wildlife populations. Species should include, but not be limited to, loblolly pine, red cedar, white pine, Leyland cypress, willow oak, sycamore, locust, wax myrtle, high bush blueberry, downy serviceberry, redbud, and similar types. The planting plan will be submitted as part of the site plan and shall meet the landscape and buffering requirements contained in Section 7-600 of the Zoning Ordinance.

c. Maintenance.

(1) Dead and Dying Trees and Replacements. The Applicant shall replace any trees planted along Old Grassdale Road pursuant to 24.c that die within three (3) years of planting. If any trees shown on the approved site plan to be preserved or planted as part of the perimeter buffer become diseased or are dying, then the Applicant may remove those trees. If the removed trees are part of the screening buffer as shown on the approved landscape/buffer plan, then the Applicant shall replace with such number of trees as are necessary to satisfy the screening intent of the approved landscape/buffer plan. The replacement trees shall be planted as nearly as possible to the location of the removed trees. The replacement trees must be the equivalent to that shown on the approved plan.

(2) Protection. The Applicant shall be responsible for and employ reasonable efforts for the protection of the tops, trunks and roots of all existing trees, as well as other vegetation on the site. Protection devices shall be installed along the limits of clearing and grading, prior to any construction occurring onsite. Such protection shall be maintained until all work in the vicinity has been completed, and shall not be removed without the consent of the County Engineer.

#### Lighting Requirements

21. All outdoor lighting shall be turned off after close-of-business, unless needed for safety or security, in which case the lighting shall be reduced to the minimum level necessary for safety and security. This limitation also applies during the period of construction of the facility.
22. The facility lighting shall comply with the performance standards contained in Section 9-900 and 9-1000 of the Fauquier County Zoning Ordinance. All outdoor light fixtures shall be fully shielded as identified in Section 9-1006 of the Zoning Ordinance, and a fully shielded fixture must be a full cutoff luminaire with full cutoff optics.

#### Noise Attenuation Requirements

23. Noise levels shall meet applicable County performance standards and requirements contained in Section 9-705 of the Zoning Ordinance.

#### Transportation Requirements

24. All construction, as well as daily operational traffic, shall be restricted to and directed through a Dominion Virginia Power entrance on Rt. 655 (Lucky Hill Road) to the Marsh Run Peaking Facility. That access shall be created by a recorded and platted easement to be granted by Dominion Virginia Power. The applicant shall obtain Virginia Department of Transportation (VDOT) entrance approval for the referenced access location, and provide all



required VDOT improvements to obtain the requisite entrance permit. The County land-disturbing permit shall restrict all construction traffic to the referenced access through Dominion Virginia Power to the Marsh Run peaking facility. This access shall replace the Old Grassdale Road access and entrance for all operational activities of the Marsh Run facility.

If the Dominion Virginia Power access and Marsh Run peaking facility interconnection cannot occur due to environmental or other unanticipated constraints, then the following lists the required transportation improvements and actions:

- a. The Applicant shall submit construction plans and profiles for Old Grassdale Road (Rt. 782) from the project site entrance to the intersection with Lucky Hill Road to VDOT for review and the required State Environmental Review Process (SERP).
- b. Rt. 782 shall be designed as a Type 1 paved Rural Local Road (200 vehicles to DHV 400 vehicles) with a right-of-way of +54 feet, including the clear zone, with twenty-four (24) foot pavement width (pursuant to the VDOT Road Design manual, Volume 1, Page A-7). The project entrance and the Rt. 782/655 intersection shall be designed and constructed to meet VDOT standards for such project entrances and intersections, respectively. Improvements herein shall be completed prior to the issuance of the Certificate of Occupancy.
- c. If the Applicant removes trees, due to VDOT requirements, along Rt. 782 as part of the required road improvements, then a tree planting plan along the right-of-way shall be submitted as part of the site plan process. Trees shall be planted at a minimum density of one (1) tree per thirty-five (35) linear feet along this road, with a minimum caliper of 2.5 inches dbh (deciduous) or 15 feet in height (conifer) with a maturity height of 60-80 feet.
- d. Prior to site plan approval, the applicant shall receive official State Environmental Review Process (SERP) clearance from VDOT before the Old Grassdale Road improvement project may proceed as designed.
- e. Prior to the issuance of a land disturbing permit, the Applicant must obtain the VDOT entrance permit and hauling permit, which will cover the transportation of the turbine units and associated equipment over public roads. The applicant shall be required to repair any damage to public roads resulting from construction traffic and deliveries, if VDOT so requests.

**REQUEST FROM DOMINION VIRGINIA POWER AND RAPPAHANNOCK  
ELECTRIC COOPERATIVE TO CONSTRUCT A FEEDER LINE THROUGH THE  
SOUTHERN FAUQUIER AGRICULTURAL AND FORESTAL DISTRICT**

A public hearing was held at the September 17, 2001 meeting to consider a request from Dominion Virginia Power and Rappahannock Electric Cooperative to construct a feeder line through the Southern Fauquier Agricultural and Forestal District. Ms. McCamy moved to table the decision until the November 5, 2001 adjourned meeting. Mr. Winkelmann seconded, and the vote for the motion was 4 to 0 as follows, with Mr. Weeks being absent.

*Ayes:* **Mr. Raymond Graham; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy**  
*Nays:* **None**  
*Absent During Vote:* **Mr. Larry L. Weeks**  
*Abstention:* **None**

**A RESOLUTION TO PROVIDE GUIDANCE TO THE COUNTY ADMINISTRATOR RELATED TO THE PREPARATION OF THE COUNTY ADMINISTRATOR'S BUDGET FOR FY 2003**

Ms. McCamy moved to table until the November 19, 2001 meeting, a proposed resolution that would provide guidance to the County Administrator related to the preparation of the County Administrator's Budget for FY 2003 to consider establishing a separate, lower personal property tax rate for boats and boat motors. Mr. Graham seconded, and the vote for the motion was 4 to 0 as follows, with Mr. Weeks being absent.

*Ayes:* **Mr. Raymond Graham; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy**  
*Nays:* **None**  
*Absent During Vote:* **Mr. Larry L. Weeks**  
*Abstention:* **None**

**SPECIAL EXCEPTION – SMITH-MIDLAND CORPORATION, OWNER/APPLICANT**

A public hearing was held at the September 17, 2001 meeting to consider a request for special exception approval for Smith-Midland Corporation, owner/applicant, to allow existing fill material to remain within the floodplain that is currently being used as a parking lot. The property is located on the west side of Licking Run in the Midland Service District, Cedar Run District, PIN 7900-75-6202-000. At the request of the applicant, Mr. Graham moved to table the decision until the November 19, 2001 meeting. Mr. Winkelmann seconded, and the vote for the motion was 4 to 0 as follows, with Mr. Weeks being absent.

*Ayes:* **Mr. Raymond Graham; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy**  
*Nays:* **None**  
*Absent During Vote:* **Mr. Larry L. Weeks**  
*Abstention:* **None**

**A RESOLUTION RECOGNIZING A NEW WATER RESOURCE FOR THE NEW BALTIMORE SERVICE DISTRICT**

Mr. Winkelmann moved to adopt the following resolution. Ms. McCamy seconded, and the vote for the motion was 4 to 0 as follows, with Mr. Weeks being absent.

*Ayes:* **Mr. Raymond Graham; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy**  
*Nays:* **None**  
*Absent During Vote:* **Mr. Larry L. Weeks**  
*Abstention:* **None**

## RESOLUTION

### A RESOLUTION RECOGNIZING A NEW WATER RESOURCE FOR THE NEW BALTIMORE SERVICE DISTRICT

WHEREAS, the Board of Supervisors has appropriated funding for an investigation of groundwater resources to provide a sufficient water resource to support the development envisioned in the New Baltimore Service District Plan; and

WHEREAS, the work of Emery and Garrett, Consulting Hydrogeologists, and the review of the Fauquier County Water and Sanitation Authority has determined that there are sufficient groundwater resources that can be developed to serve the build out needs of the New Baltimore Service District; and

WHEREAS, the County has expended considerable time and effort to develop Auburn Dam as a flood control and water resource; and

WHEREAS, the availability of Federal funding for the Auburn Dam is most uncertain and a more cost effective means of providing additional water supply exists through the future development of groundwater resources; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15<sup>th</sup> day of October 2001, That there will be a transfer of funds within the Utility Fund from the Auburn Dam project to a utility reserve; and, be it

RESOLVED FURTHER, That the County Administrator and County staff are hereby authorized and directed to terminate efforts to pursue the development of the Auburn Dam and to take steps to terminate the State Water Control Board 401 Permit and to withdraw the pending 404 Permit Application with the U.S. Army Corps of Engineers without cost to the County.

## **APPOINTMENTS**

By unanimous consent, the following appointments were approved:

John Smith was appointed to fill an unexpired term to December 31, 2003 on the Capital Improvements Program Committee representing Center District.

David Lambelet was appointed to the Community Services Board beginning January 1, 2002 for a four-year term.

## **SUPERVISORS TIME**

- Ms. McCamy asked that a work session be scheduled at the November 19, 2001 meeting to review the County's Emergency Preparedness Plan.
- Mr. Graham announced that Mr. Weeks was home recovering from several heart attacks that he had recently suffered.

## **ANNOUNCEMENTS**

- Mr. Lee announced that he and Warren Jenkins of the Sheriff's Office would be meeting with law enforcement officials in the region to discuss coordination of emergency plans.

## **VIRGINIA DEPARTMENT OF TRANSPORTATION SECONDARY TRANSPORTATION SIX-YEAR PLAN**

A joint public hearing with the Resident Engineer from the Virginia Department of Transportation was held to receive citizens' comments regarding the FY 2003 through 2008 Six-Year Plan for Secondary Roads. Wendy West, Scott District, requested that South Run Road, Valley Drive, and Honeysuckle Lane in the Baldwin Ridge Subdivision be included in the Secondary Road System; Dean Eckelberry, Scott District, presented a petition signed by homeowners requesting that Old Busthead Road not be paved; and Chuck Medvitz, Scott District, spoke regarding the plan to six-lane Route 29 and the many traffic lights that are already along Route 29 and those that are being planned. He suggested that the secondary roads could feed into main secondary roads such as Route 605 and cut down on the number of traffic lights. No one else spoke. The public hearing was closed. Mr. Winkelmann moved to refer the Secondary Road Plan to the Fauquier County Transportation Committee for review and recommendation. Ms. McCamy seconded, and the vote for the motion was 4 to 0 as follows, with Mr. Weeks being absent.

<b><i>Ayes:</i></b>	<b><i>Mr. Raymond Graham; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy</i></b>
<b><i>Nays:</i></b>	<b><i>None</i></b>
<b><i>Absent During Vote:</i></b>	<b><i>Mr. Larry L. Weeks</i></b>
<b><i>Abstention:</i></b>	<b><i>None</i></b>

## **PROPOSED ISSUANCE OF SCHOOL BONDS TO FINANCE CAPITAL PROJECTS FOR PUBLIC SCHOOLS**

A public hearing was held to consider issuance of school bonds in the amount of \$6,410,000 for the first borrowing to build a new middle school. No one spoke. The public hearing was closed. Mr. Graham moved to adopt the following resolution. Ms. McCamy seconded, and the vote for the motion was 4 to 0 as follows, with Mr. Weeks being absent.

*Ayes:* **Mr. Raymond Graham; Mr. Joe Winkelmann; Mr. Harry Atherton;  
Ms. Sharon McCamy**  
*Nays:* **None**  
*Absent During Vote:* **Mr. Larry L. Weeks**  
*Abstention:* **None**

## RESOLUTION

A RESOLUTION RATIFYING THE ISSUANCE AND SALE OF GENERAL OBLIGATION SCHOOL BONDS OF THE COUNTY OF FAUQUIER, VIRGINIA, IN THE MAXIMUM PRINCIPAL AMOUNT OF \$6,410,000, TO FINANCE A PROGRAM OF CAPITAL IMPROVEMENTS TO THE COUNTY'S PUBLIC SCHOOLS, PROVIDING FINAL AUTHORIZATION FOR SUCH ISSUANCE AND SALE AND AMENDING THE AUTHORIZING RESOLUTION

WHEREAS, on September 17, 2001, the Board of Supervisors (the "Board") of the County of Fauquier, Virginia (the "County"), adopted a resolution entitled "Resolution Authorizing the Issuance of Not to Exceed \$6,410,000 General Obligation School Bonds, Series 2001A, of the County of Fauquier, Virginia, to be Sold to the Virginia Public School Authority and Providing for the Form and Details Thereof" (the "Resolution");

WHEREAS, after publication of the requisite notice in accordance with Section 15.2-2606, Code of Virginia of 1950, as amended, the Board has held on the date hereof a public hearing on the proposed issuance and sale of general obligation school bonds of the County in the estimated maximum principal amount of \$6,410,000 (the "Bonds");

WHEREAS, the Board desires to ratify and amend the pricing parameters of the Bonds contained in the Resolution;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF FAUQUIER, VIRGINIA THIS 15<sup>TH</sup> DAY OF OCTOBER 2001:

1. Amendment and Restatement of Section 2 of the Resolution. Section 2 of the Resolution is hereby amended and restated, as follows:

2. Sale of the Bonds. It is determined to be in the best interest of the County to accept the offer of the Virginia Public School Authority (the "VPSA") to purchase from the County, and to sell to the VPSA, the Bonds at a price, determined by the VPSA to be fair and accepted by the County Administrator, that is not less than 98% of par and not more than 103% of par upon the terms established pursuant to this Resolution, except that in the event the purchase price determined by VPSA would exceed the upper limit of 103%, the County, at the request of VPSA, will lower the amount of the Bonds to provide a purchase price for the Bonds and a proceeds amount that is within 103% of the amount requested pursuant to the application submitted to VPSA. The County Administrator and such officer or officers of the County as the County Administrator may designate are hereby authorized and directed to enter into a Bond Sale Agreement dated as of October 9, 2001, with the VPSA providing for the sale of the Bonds to the VPSA in substantially the form submitted to the Board at this meeting, which form is hereby approved (the "Bond Sale Agreement").

3. Ratification of Resolution. The Board hereby ratifies all other pricing parameters of the Bonds and authorizes the issuance and sale of such Bonds in accordance with the provisions of the Resolution.

4. Other Actions. All other actions of officers of the County in conformity with the purposes and intent of the Resolution and in furtherance of the issuance and sale of the Bonds are approved and confirmed. The officers of the County are authorized and directed to execute and deliver all certificates and instruments and to take all such further action as may be considered necessary or desirable in connection with the issuance, sale and delivery of the Bonds.

5. Effective Date. This Resolution shall take effect immediately.

### **AMENDMENT TO THE LANDFILL TIPPING FEE FOR CONSTRUCTION AND DEMOLITION DEBRIS**

A public hearing was held to consider amending the Landfill Tipping Fee for construction and demolition debris to \$25.00 per ton. Bob Moore, Resident Engineer of the Virginia Department of Transportation, asked that the Board consider adjusting the fee for VDOT. No one else spoke. The public hearing was closed. Mr. Graham moved to table the decision until the November 5, 2001 adjourned meeting. Mr. Winkelmann seconded, and the vote for the motion was 4 to 0 as follows, with Mr. Weeks being absent.

<i>Ayes:</i>	<i>Mr. Raymond Graham; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>Mr. Larry L. Weeks</i>
<i>Abstention:</i>	<i>None</i>

Mr. Winkelmann then moved to include an adjustment to the fee for VDOT in the proposed resolution for consideration on November 5, 2001. Ms. McCamy seconded, and the vote for the motion was 4 to 0 as follows, with Mr. Weeks being absent.

<i>Ayes:</i>	<i>Mr. Raymond Graham; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>Mr. Larry L. Weeks</i>
<i>Abstention:</i>	<i>None</i>

### **FIFTEEN-FOOT WIDE WATERLINE EASEMENT TO MARSHALL WATERWORKS, INC.**

A public hearing was held to consider a request from Marshall Waterworks, Inc. to grant a fifteen-foot wide easement over and across a fifty-foot wide strip of property dedicated for public use. The easement is located between Lots 5 and 7 of the Marshall Shopping Center and is necessary to permit Marshall Waterworks, Inc. to connect an existing waterline to a well. No one spoke. The public hearing was closed. Mr. Atherton moved to adopt the following resolution. Mr. Winkelmann seconded, and the vote for the motion was 4 to 0 as follows, with Mr. Weeks being absent.

*Ayes:* **Mr. Raymond Graham; Mr. Joe Winkelmann; Mr. Harry Atherton;  
Ms. Sharon McCamy**  
*Nays:* **None**  
*Absent During Vote:* **Mr. Larry L. Weeks**  
*Abstention:* **None**

## RESOLUTION

### A RESOLUTION AUTHORIZING THE CHAIRMAN OF THE BOARD OF SUPERVISORS TO EXECUTE A FIFTEEN FOOT WIDE WATERLINE EASEMENT TO MARSHALL WATERWORKS, INC. FOR THE PURPOSE OF PROVIDING WATER TO THE MARSHALL SERVICE DISTRICT

WHEREAS, Marshall Waterworks, Inc. provides water to the Marshall Service District;  
and

WHEREAS, Marshall Waterworks, Inc. has a well lot located on PIN 6969-98-3167, said  
parcel being adjacent to the Marshall Shopping Center as shown on the plat that is filed in the  
Board of Supervisors agenda package dated October 15, 2001; and

WHEREAS, the County is the owner of a fifty-foot wide parcel of land located between  
Lots 5 and 7 of the Marshall Shopping Center and designated on the aforesaid plat as "Parcel A";  
and

WHEREAS, Marshall Waterworks, Inc. has requested that the County grant it a fifteen-  
foot wide waterline easement for the purpose of connecting the existing waterline to the well  
located on the well lot; and

WHEREAS, the proposed location of the easement is shown on the aforesaid plat; now,  
therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15<sup>th</sup> day of October 2001,  
That the Chairman of the Board of Supervisors is hereby authorized to execute a fifteen-foot  
wide waterline easement to Marshall Waterworks, Inc., a Virginia Corporation, said easement to  
be located in the area as shown on the aforesaid plat.

### **SPECIAL EXCEPTION – JAMES S. GULICK, JR., OWNER/APPLICANT**

A public hearing was held to consider a request for special exception approval for James  
S. Gulick, Jr., owner/applicant, to waive the public street requirement in residential zones and a  
companion preliminary subdivision plat to divide approximately 2.4 acres of an approximately  
4.9 acre parcel zoned Village (V) into two single-family detached lots. The property is located  
on the east side of Rogues Road (Route 602) just north of its intersection with Weston Road  
(Route 747) in the Village of Casanova, Cedar Run District, PIN 7902-64-3361-000. Jim Gulick  
and Tony Miller spoke in favor of the request. No one else spoke. The public hearing was  
closed. Mr. Graham moved to adopt the following resolution approving the special exception  
and to also approve the preliminary plat subject to the conditions recommended by the Planning

Commission. Mr. Winkelmann seconded, and the vote for the motion was 4 to 0 as follows, with Mr. Weeks being absent.

**Ayes:** *Mr. Raymond Graham; Mr. Joe Winkelmann; Mr. Harry Atherton;  
Ms. Sharon McCamy*  
**Nays:** *None*  
**Absent During Vote:** *Mr. Larry L. Weeks*  
**Abstention:** *None*

## RESOLUTION

### A RESOLUTION TO APPROVE SPECIAL EXCEPTION #SE01-CR-18 THREE MILE SWITCH PUBLIC STREET WAIVER

WHEREAS, James S. Gulick, Sr., owner/applicant, has applied for a special exception under Section 5-2900 of the Zoning Ordinance to allow for the waiver of public street requirements in a residential district and a public hearing was duly advertised before the Fauquier County Planning Commission; and

WHEREAS, the special exception application has been properly filed and all required notices of the public hearing have been properly made; and

WHEREAS, the applicant has presented oral and documentary evidence, and the staff has filed a staff report indicating substantial conformance with the general standards for the special exception as set forth in Article 5 of the Zoning Ordinance; and

WHEREAS, on July 26, 2001, the Fauquier County Planning Commission held a public hearing on the special exception request of James S. Gulick, Sr.; and

WHEREAS, at its meeting on August 30, 2001, the Fauquier County Planning Commission approved a motion recommending approval of the requested special exception subject to certain conditions; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15th day of October 2001, That the application by James S. Gulick to construct a private street on the property identified as 7902-64-3361-000 be, and is hereby, approved subject to the following conditions:

1. The special exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. The special exception is granted only for the purpose(s), structure(s) and/or uses indicated on special exception plat approved with the application, as qualified by these development conditions.
3. The special exception is subject to the provisions of the Fauquier County Subdivision Ordinance, as may be determined by the Fauquier County Department of Community Development. Any plat submitted pursuant to this special exception shall be in conformance with the special exception plat dated May 8, 2001, and these conditions.



4. The private street shall be constructed to a minimum width of 12 feet with grass shoulders. The right-of-way shall be no less than 50 feet and the access to Route 602 shall be as indicated on the special exception plat and approved by the Virginia Department of Transportation.
5. Appropriately sized ditches along the private street shall be constructed.
6. The private street shall serve no more than the four (4) lots indicated on the special exception plat.
7. The applicant shall obtain the proper land disturbing permits from the County if the area to be disturbed is in excess of 10,000 square feet and/or is disturbed prior to obtaining a building permit for any of the four (4) lots.
8. Prior to subdividing the property, a road maintenance agreement applicable to all users of the private street will be executed. The subdivision plat shall include the private street notation referenced in Section 7-306 of the Zoning Ordinance.
9. The slope of the private road shall not exceed twelve percent.

**SPECIAL EXCEPTION – R. CARL AND CAROLYN G. FALLER, OWNERS/APPLICANTS**

A public hearing was held to consider a request for special exception approval for R. Carl and Carolyn G. Faller, owners/applicants, to hold special events such as garden weddings, receptions, picnics and community-related arts, cultural, and fundraising for charitable, non-profit, and educational activities on a 3.99 acre parcel. The property is located on Courtney's Corner Road (Route 637) two miles southwest of Route 17, Lee District, PIN 7806-31-1634-000. Carl Faller spoke in favor of the request. Nancy Gill, John Williams, Pam Williams, Les Gill, Ms. Lorenzo, and Brenda Hart spoke in opposition. The public hearing was closed. Ms. McCamy moved to table the decision until the November 19, 2001 meeting. Mr. Winkelmann seconded, and the vote for the motion was 4 to 0 as follows, with Mr. Weeks being absent.

<b><i>Ayes:</i></b>	<b><i>Mr. Raymond Graham; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy</i></b>
<b><i>Nays:</i></b>	<b><i>None</i></b>
<b><i>Absent During Vote:</i></b>	<b><i>Mr. Larry L. Weeks</i></b>
<b><i>Abstention:</i></b>	<b><i>None</i></b>

**SPECIAL EXCEPTION RENEWAL – UTA EMBERGER, OWNER/APPLICANT**

A public hearing was held to consider a request for special exception renewal for Uta Emberger, applicant, to continue operations of an existing resort and restaurant. The property is located on the south side of John S. Mosby Highway (Route 50) just west of the Village of Upperville, Marshall District, PIN 6044-67-3399-000. Uta Kirshner spoke in favor of the request. No one else spoke. The public hearing was closed. Mr. Atherton moved to adopt the following resolution. Mr. Graham seconded, and the vote for the motion was 4 to 0 as follows, with Mr. Weeks being absent.

<b><i>Ayes:</i></b>	<b><i>Mr. Raymond Graham; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy</i></b>
<b><i>Nays:</i></b>	<b><i>None</i></b>
<b><i>Absent During Vote:</i></b>	<b><i>Mr. Larry L. Weeks</i></b>
<b><i>Abstention:</i></b>	<b><i>None</i></b>

## RESOLUTION

### A RESOLUTION TO APPROVE SPECIAL EXCEPTION RENEWAL #SE01-M-01 THE 1763 INN (UTA EMBERGER, APPLICANT) PIN 6044-67-3399-000

WHEREAS, Uta Emberger, owner and applicant, has filed an application to allow for the renewal of a special exception to operate a resort and restaurant under the provisions of Articles 5-906 of the Fauquier County Zoning Ordinance; and

WHEREAS, the Planning Commission held a public hearing on this application on August 30, 2001 and has made a recommendation to the Board of Supervisors; and

WHEREAS, the Board of Supervisors has considered the written and orally presented information from the applicants and conducted a public hearing on this application; and

WHEREAS, the Board of Supervisors has determined that the application satisfies the general standards of Article 5-006 of the Zoning Ordinance and that the application is in substantial conformance with the Comprehensive Plan; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15th day of October 2001, That the application by Uta Emberger for the continued operation of a resort and restaurant on Parcel Identification Number 6044-67-3399-000 be, and is hereby, approved, subject to the following conditions:

1. The special exception is granted for and runs with the land indicated in this application and is not transferable to other land. This permit shall supersede previously granted permits for a resort.
2. The special exception is granted only for the purpose(s), structure(s) and/or uses indicated on the special exception plat approved with the application, as qualified by these development conditions. Any subdivision or addition of structures shall require an amendment to this special exception.
3. The special exception use shall be in substantial conformance with the special exception plat dated February 9, 1998 and prepared by James H. Harris and Associates, and these conditions.
4. The special exception shall be granted for a period of five (5) years from the date of approval and must be renewed by the Board of Supervisors in accordance with the provisions of Section 5-013 of the Zoning Ordinance.
5. There shall be no more than 21 guestrooms on site, as indicated on the above referenced special exception plat.

6. No more than one (1) principal residence is permitted.
7. The two (2) apartment units on site shall be limited to one bedroom, one-person occupancy.
8. The seating capacity of the restaurant shall not exceed 50 patrons.
9. The property shall be fenced or clearly marked to prevent trespassing.
10. The total number of guests on site at any one time shall not exceed 120 unless a permit is granted for a temporary use in accordance with Section 3-308.3 of the Zoning Ordinance.
11. The applicant shall maintain at all times occupancy permits for all dwelling and guest units, Health Department approvals, and proof that State fire codes are met.
12. The applicant shall submit to the Health Department the results of quarterly water testing as required by the State for bed and breakfast and full food service restaurants.
13. The applicant shall provide for the shielding of the lighting located at the property entrance along Route 50 to mitigate off-site impacts.

**COMPREHENSIVE PLAN AMENDMENT – PIEDMONT EQUINE PRACTICE, LC,  
OWNER/APPLICANT**

A public hearing was held to consider a request from Piedmont Equine Practice, LC, owner/applicant, for an amendment to the Comprehensive Plan for a remedial connection to an existing sewer force main because very poor soils on the property preclude on-site drain field disposal. The property is located on Zulla Road (Route 709), Marshall District, PIN 6070-60-7640-000. Dr. John Noland, representing Piedmont Equine Practice, LC, spoke in favor of the request. No one else spoke. The public hearing was closed. Mr. Atherton moved to adopt the following resolution. Ms. McCamy seconded, and the vote for the motion was 4 to 0 as follows, with Mr. Weeks being absent.

<i>Ayes:</i>	<i>Mr. Raymond Graham; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>Mr. Larry L. Weeks</i>
<i>Abstention:</i>	<i>None</i>

**RESOLUTION**

**A RESOLUTION TO APPROVE COMPREHENSIVE PLAN CPA01-S-03  
A REMEDIAL CONNECTION OF PIEDMONT EQUINE PRACTICE  
TO THE MARSHALL SEWER PLANT  
PIN # 6070-60-7640-000**

WHEREAS, the Piedmont Equine property drain field is failing to disperse septic fluids; and

WHEREAS, the Piedmont Equine property possesses no other appropriate land on which to locate a conventional drainfield; and

WHEREAS, the Piedmont Equine property fronts on Zulla Road; and

WHEREAS, there is a sewer force main along Zulla Road in front of the Piedmont Equine property; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15<sup>th</sup> day of October 2001, That Piedmont Equine be granted, by Comprehensive Plan Amendment, remedial permission to attach to the Water and Sanitation Authority (Authority) sewer force main, subject to the following conditions:

1. That Piedmont Equine execute a Hold Harmless Agreement with the Fauquier County Water and Sanitation Authority regarding any damage to the property by over pumping of the Authority's force main.
2. That Piedmont Equine connect to the Authority force main in a manner consistent with all requirements of the Authority's Utility Standards.

**COMPREHENSIVE PLAN AMENDMENT – CREATION OF PUBLIC INSTITUTIONAL ANCILLARY DISTRICT TO THE MARSHALL SERVICE DISTRICT**

A public hearing was held to consider a request from the Fauquier County Parks and Recreation Department for an amendment to the Comprehensive Plan to create a Public Institutional Ancillary Service District incorporating two existing schools, W.G. Coleman Elementary and Marshall Middle School, and the newly acquired northern regional park. This request is generated by the very poor percolation of local soils that preclude provision of restroom facilities on septic drainfields at a reasonable cost. The facilities are located on the west side of Zulla Road (Route 709) and on the north side of John Marshall Highway (Route 55) east of the community of Marshall, Scott District, PIN 6070-40-3474, 6070-61-7275, and 6070-62-8346. No one spoke. The public hearing was closed. Mr. Atherton moved to adopt the following resolution. Ms. McCamy seconded, and the vote for the motion was 4 to 0 as follows, with Mr. Weeks being absent.

<i>Ayes:</i>	<i>Mr. Raymond Graham; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>Mr. Larry L. Weeks</i>
<i>Abstention:</i>	<i>None</i>

## RESOLUTION

A RESOLUTION TO AMEND THE COMPREHENSIVE PLAN  
CPA02-S-05 WITH THE ADOPTION OF A  
PUBLIC INSTITUTIONAL ANCILLARY SERVICE DISTRICT  
TO THE MARSHALL SERVICE DISTRICT  
PIN #s 6070-40-3474 AND 6070-61-7275 AND 6070-62-8346

WHEREAS, Fauquier County has recently purchased a regional park site to the east of Marshall which meets locational, topographical and transportation criteria established by the adopted Service Plan; and

WHEREAS, this regional park site would be most effectively served by a central sewer connection; and

WHEREAS, the regional park adjoins School Board properties, W. g. Coleman Elementary and Marshall Middle Schools, presently served by the Marshall Sewer Plant; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15<sup>th</sup> day of October 2001, That the Comprehensive Plan is amended with the adoption of a Public Institutional Ancillary Service District to the Marshall Service District, which would include both the Schools and the regional park.

**REZONING REQUEST – RONALD T. BORTA AND LESLIE A. DAVIS-BORTA,  
OWNERS/APPLICANTS**

A public hearing was held to consider a request from Ronald T. Borta and Leslie A. Davis-Borta, owners/applicants, to rezone sixteen acres of a sixty acre parcel from R-1 (Residential) to RA (Rural Agriculture). The property is located on the east side of James Madison Highway (Route 17) just north of the Route 17 Spur beyond the Warrenton Service District boundary, Center District, PIN 6985-04-8432-000. No one spoke. The public hearing was closed. Mr. Winkelmann moved to adopt the following ordinance. Ms. McCamy seconded, and the vote for the motion was 4 to 0 as follows, with Mr. Weeks being absent.

<i>Ayes:</i>	<i>Mr. Raymond Graham; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>Mr. Larry L. Weeks</i>
<i>Abstention:</i>	<i>None</i>

## ORDINANCE

### AN ORDINANCE TO APPROVE REZONING #RZ01-C-05 RONALD AND LESLIE BORTA

WHEREAS, Ronald and Leslie Borta, owners/applicants, have initiated a request to rezone a 16 acre portion of a 60 acre parcel (PIN 6985-04-8432-000) from R-1 (Residential) to Rural Agricultural (RA); and

WHEREAS, the applicants have filed an application to amend the Fauquier County Zoning Map in accordance with the provisions of Article 13-202 of the Fauquier County Zoning Ordinance; and

WHEREAS, the proposed rezoning is in conformance with the Fauquier County Comprehensive Plan; and

WHEREAS, on August 30, 2001, the Fauquier County Planning Commission held a public hearing on the rezoning request of Ronald and Leslie Borta; and

WHEREAS, at its meeting on August 30, 2001, the Fauquier County Planning Commission approved a motion recommending approval of the requested rezoning; and

WHEREAS, on October 15, 2001, the Board of Supervisors held a public hearing on this rezoning request; and

WHEREAS, by the adoption of this Ordinance, the Board of Supervisors has determined that the public necessity, convenience, general welfare, or good zoning practice is satisfied by this amendment to the Fauquier County Zoning Map; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 15th day of October 2001, That Rezoning Request #RZ01-C-05 to change the zoning designation of that 16 acre portion of the parcel identified as PIN 6985-04-8432-000, currently zoned R-1 (Residential), to the RA (Rural Agricultural) district be, and is hereby, approved.

With no further business, the meeting was adjourned to reconvene November 5, 2001 at 4:00 p.m. in the 4<sup>th</sup> Floor Conference Room of the Circuit Court and Office Building.

*I hereby certify that this is a true and exact record of actions taken by the Fauquier County Board of Supervisors on October 15, 2001.*

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*G. Robert Lee*  
*Clerk*